

CALIFORNIA ENERGY COMMISSION

REVISED EXPRESS TERMS

(This version does not contain strikeouts or underlines)

**FOR PROPOSED AMENDMENTS TO
CALIFORNIA CODE OF REGULATIONS, TITLE 20, DIVISION 2:**

**CHAPTER 3, ARTICLE 1 (QUARTERLY FUEL AND ENERGY REPORTS) AND
ARTICLE 2 (FORECAST AND ASSESSMENT OF ENERGY LOADS AND RESOURCES)**

AND

CHAPTER 7, ARTICLE 2 (DISCLOSURE OF COMMISSION RECORDS)

**Docket No. 97-DC&CR-1
December 21, 2001**

**California Code of Regulations
Title 20, Division 2
Chapter 3
Article 1. Quarterly Fuel and Energy Reports**

§ 1302. Rules of Construction and Definitions.

- (a) Rules of Construction.
 - (1) Where the context requires, the singular includes the plural and the plural includes the singular.
 - (2) The use of “and” in a conjunctive position means that all elements in the provision must be complied with, or must exist to make the provision applicable. Where compliance with one or more elements suffices, or where existence of one or more elements make the provision applicable, “or” (rather than “and/or”) is used.
- (b) Definitions.

In this Article, the following definitions apply unless the context clearly requires otherwise:

“California offshore lands” means all tidal waters under California state jurisdiction pursuant to 43 U.S.C. Section 1311.

“Company” means any person, firm, association, organization, partnership, business trust, corporation, or public entity, or any subsidiary, parent, affiliate, department, or agency thereof.

“Cogenerator” means an electric power plant that produces (1) electricity; and (2) useful thermal energy for industrial, commercial, heating, or cooling purposes.

“Control area” means an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Western Systems Coordinating Council.

“Core customer” means a natural gas customer that consumes less than 20,800 therms of natural gas per month.

“Customer” means an active revenue meter, or an active billed account, of an electric utility or a gas utility.

“Customer Classification Code” means SIC code before January 1, 2003 and NAICS code beginning January 1, 2003.

“Customer sector” means the following before January 1, 2003:

residential customer sector: private households, including single and multiple family dwellings, plus SIC 88;

commercial building customer sector: SIC codes 07, 4214, 422, 50-87, 89-91, 9211-9229, 93-96, and 972;

other commercial customer sector: SIC codes 40-41, 4210-4213, 4215, 4230-4939, 4949-4969, 4980-4988, 9225-9227, 9250-9259, and 9700-9711;

process industry customer sector: SIC codes 203, 206, 24, 260-263, 28-29, 320-324;

assembly industry customer sector: SIC codes 20-39 less process industry;

other industry customer sector: SIC codes 10-17;

agriculture customer sector: SIC codes 01-02, 08-09;

water pumping customer sector: SIC codes 4940-4941, 4970-4971;

street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting; and unclassified customer sector: SIC code 99.

“Customer sector” means the following beginning January 1, 2003:

residential customer sector: private households, including single and multiple family dwellings, plus NAICS code 81411;

commercial building customer sector: NAICS codes 115, 2331, 326212, 42, 44-45, 48841, 493, 512, 514, 52-55, 561, 61, 62 (excluding 62191), 71, 72, 81 (excluding 81293), and 92 (excluding 92811);

other commercial customer sector: NAICS codes 221, 48, 49, 513, 562, 62191, and 92811;

process industry customer sector: NAICS codes 11331, 3113, 3114, 321, 3221, 324, 3272, and 32731;

assembly industry customer sector: NAICS codes 31-33 (excluding process industry customer sector and 326212), 511, and 54171;

other industry customer sector: NAICS codes 21 and 23 (excluding 22131);

agriculture customer sector: NAICS codes 111, 112, 113, and 114;

water pumping customer sector: NAICS code 22131;

street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting; and

unclassified customer sector: NAICS code 99.

“Demand” means the rate at which electricity is delivered by generation, transmission, and distribution systems, measured in units of watts or standard multiples thereof, (e.g., 1,000 Watts = 1 kilowatt, 1000 kilowatt = 1 megawatt).

“EIA” means the Energy Information Administration of the United States Department of Energy.

“Electric generator” means a machine that converts mechanical energy into electrical energy; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.

“Electricity sales” means the amount of electricity sold by an Electric Retailer to a customer.

“Electric service area” means the geographic area where a UDC distributes, or has distributed during an applicable reporting period, electricity to consumers.

“Electric power plant” means a plant located in California or a California control area that contains one or more prime movers, one or more electric generators, and appropriate auxiliary equipment.

“Electric retailer” means any company that (a) sells electricity to end users or customers located in California, (b) generates and consumes electricity on-site in California (except for electricity consumed for electric power plant operations), or (c) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company.

“Electric service provider” or “ESP” means any company that sells electricity to end-use customers and that is not an electric utility.

“Electric utility” means any company engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such company subject to regulation of the Public Utilities Commission.

“End user” means any company that consumes electricity or natural gas for its own use and not for resale.

“Executive Director” means the Executive Director of the Commission, or his or her designee.

“Firm capacity” means noninterruptible electric capacity received or delivered.

“Firm energy” means noninterruptible electricity received or delivered.

“Fuel cost” means the delivered cost of fuel used for fuel use by an electric generator, expressed in dollars.

“Fuel use” means the amount of fuel, expressed in both physical units such as cubic foot, barrel, or ton, and in heat content such as BTUs, used for gross generation, or for any other purpose related to the operation of an electric generator including without limitation providing spinning reserve, start-up, or flame stabilization.

“Gas processor” means any company that extracts, in California, natural gas liquids from natural gas produced from California reservoirs.

“Gas retailer” means any company that (a) sells natural gas to end users or customers located in California, (b) produces and consumes natural gas on-site in California (except for gas consumed for gathering, processing, or compressing purposes), or (c) produces natural gas at one site and consumes natural gas at another site that is in California and that is owned or controlled by the company.

“Gas service area” means the geographic area where an LDC distributes, or has distributed during an applicable reporting period, natural gas to customers.

“Gas utility” means any company that is (a) engaged in, or authorized to engage in, distributing or transporting natural gas or natural gas liquids, and that is (b) either owned or operated by a governmental public entity or regulated by the California Public Utilities Commission.

“Gross generation” means the total amount of electricity produced by an electric generator.

“Hourly demand” means demand integrated over a single clock hour, measured in megawatts.

“Interchange” means electric power or energy that flows from one control area to another control area.

“Interstate pipeline” means any pipeline that crosses a state border and that is under the regulatory authority of the Federal Energy Regulatory Commission or its successors.

“Interstate pipeline company” means a company that owns or operates an interstate pipeline that delivers natural gas to California at the state’s border or inside California’s borders.

“Local distribution company” or “LDC” means a gas utility, or a business unit of a gas utility, that distributes natural gas to customers.

“Losses” means electricity that is lost, primarily as waste heat, as a natural part of the process of transmitting electricity from electric power plants to customers.

“Major customer sector” means the following:

“residential major customer sector,” which means residential customer sector;

“commercial major customer sector,” which means commercial building customer sector;

“industrial major customer sector” means the sum of assembly industry customer sector, process industry customer sector, and other industry customer sector; and

“other major customer sector” means the sum of agriculture customer sector, other commercial customer sector, street lighting customer sector, and water pumping customer sector.

“Monthly system peak demand” means the highest system hourly demand in a calendar month.

“Nameplate capacity” means the full-load continuous rating of an electric generator or an electric power plant under specific conditions as designated by the manufacturer.

“Natural gas liquids” means liquid products that are produced at natural gas processing facilities and that are gaseous at reservoir temperatures and pressures but are recoverable by condensation or absorption.

“Natural gas sales” means the amount of natural gas sold by a Gas Retailer to a customer.

“Net generation” means gross generation less plant use by an electric generator for auxiliary equipment.

“Noncore customer” means a natural gas customer that is not a core customer.

“North American Industry Classification System” or “NAICS” means the system of classification for business establishments set forth in the North American Industry Classification System United States Manual of 1997 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)

“NAICS Code” means the applicable 6-digit (unless otherwise specified) code in the NAICS for the entity being classified.

“Outer continental shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in Section 2 of the Submerged Land Act (43 U.S.C. Section 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

“Person” means an individual human being.

“Plant use” means the electricity used in the operation of an electric generator, or the electricity used for pumping at pumped storage electric power plants.

“Power plant owner” means the owner of an electric power plant, or, where there is more than one owner, the majority or plurality owner or the managing partner.

“Prime mover” means the engine, turbine, water wheel, or other machine that produces the mechanical energy that drives an electric generator; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.

“Sector hourly demand” means the hourly demand of customer sectors measured at customer meters. Sector hourly demand does not include losses.

"Standard Industrial Classification (SIC) system" means the system of classification for business establishments set forth in the Standard Industrial Classification Manual of 1987 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)

"Stocks" means quantities of oil, natural gas, or natural gas liquids representing actual measured inventories corrected to 60 degrees Fahrenheit less basic sediment and water where an actual physical measurement is possible. Stocks include domestic and foreign quantities held at facility and in transit thereto, except those in transit by a pipeline.

"Submitted" means, with regard to data, a report, or an application that must be submitted by a specified date, that the data is received at the Commission by that date and that the data, report, or application is complete, accurate, and in compliance with the applicable requirements of this Article and with the forms and instructions specified under Section 1303(b).

"System hourly demand" means the hourly demand of an electric utility or a control area, measured at electric power plants and at interconnections. System hourly demand includes losses.

"Utility distribution company" or "UDC" means an electric utility, or a business unit of an electric utility, that distributes electricity to customers.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300, 25301, 25305, 25308-25310.2, 25320-25323, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

HISTORY

1. Repealer filed 1-23-94; effective thirtieth day thereafter (register 84, No. 4).
2. Renumbering of former section 1303 to section 1302, including amendment of section heading, section and NOTE filed 2-23-2001; operative 2-23-2001 pursuant to Government Code section 11343.4 (register 2001, No. 8).

§ 1303. General Rules for all Reports.

- (a) Submittal of Reports. Each electric utility, electric retailer, gas utility, gas retailer, gas processor, interstate pipeline company, UDC, LDC, control area operator, and power plant owner shall submit to the Commission all of the applicable data and reports listed in this Section and in Sections 1304-1310, as required by this Article.

- (b) Forms and Instructions. The data and reports shall be submitted on forms, and in accordance with instructions for the forms, specified by the Executive Director, which may include without limitation a requirement that the data or reports be submitted in electronic format generally or in a specific electronic format. The Executive Director shall consult with interested companies before changing forms and instructions adopted by the Energy Commission in December 1990.
- (c) Monthly Reports and Data. Data or reports referred to as “monthly” shall be submitted for the previous month on the 15th day of each month.
- (d) Quarterly Reports and Data. Data or reports referred to as “quarterly” shall be submitted for the previous calendar quarter on the 15th day of February, May, August, and November. Quarterly data or reports may, as specified in Sections 1304-1310, be required to contain data on a month-by-month basis.
- (e) Annual Reports and Data. Data or reports referred to as “annual” or “annually” shall be submitted for the previous calendar year on the 15th day of February. Annual data or reports may, as specified in Sections 1304-1310, be required to contain data on a month-by-month or quarter-by-quarter basis.
- (f) Extension of Deadlines Specified in Sections 1303-1310. The company responsible (or delegated the responsibility under Section 1303(g)) for submitting data, a report, or an application may apply for and receive from the Executive Director an extension of the deadlines established in Sections 1303-1310. The Executive Director shall act on an application within five business days after it is received at the Commission. The Executive Director’s decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. An extension, which shall be no more than 30 days, shall be granted if:
 - (1) The company submits and the Commission receives, no later than 15 days before the data, report, or application is due an application that includes:
 - (A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application;
 - (B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the application, who should be contacted with questions about the application;
 - (C) the name of the report and the Sections of these regulations applicable to the data, report, or application;

- (D) the reasons why the company believes the data, report, or application cannot be, or may not be able to be, submitted on time;
- (E) the measures the company is taking to complete the data, report, or application on time or as soon thereafter as possible; and
- (F) the date the company believes the data, report, or application will be submitted;
- (G) a declaration executed under penalty of perjury of the laws of the State of California stating:
 - (1) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;
 - (2) that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and
 - (3) that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.
- (2) the Executive Director finds that there is good cause for an extension and that the data, report, or application is likely to be submitted by the extended due date.
- (g) Delegation.
 - (1) In general. The company designated in Sections 1304-1310 as required to submit data or a report may delegate to another company the submittal of the data or report if the delegatee agrees, but in any event the company designated in Sections 1304-1310 shall be responsible for the timely, accurate, and complete submittal of the data or report and an authorized employee thereof shall execute the declaration required by Section 1303(l)(8).
 - (2) Electric retailers. An electric retailer may delegate the submittal of the data and reports required by Section 1306 only to the UDC or UDCs that

provide electric distribution service to the electric retailer's customers, and only if:

- (A) the electric retailer is an ESP; and
 - (B) all of the UDCs serving the electric retailer's customers agree to submit the required data as the electric retailer's delegates.
- (3) Gas retailers. A gas retailer may delegate the submittal of the data or reports required by Section 1307 only to the LDC or LDCs that provide gas distribution service to the gas retailer's customers, and only if:
 - (A) the gas retailer operates solely under the California Public Utilities Commission's core aggregation program, as defined in Decision 91-02-040, Appendix A; and
 - (B) all of the LDCs serving the gas retailer's customers agree to submit the required data as the gas retailer's delegates.
- (h) Previously-submitted Data or Reports. If any of the data required to be included in a report is exactly the same as the data included in a previous report submitted by the same company, the current report need not contain that data if it refers to the previously-submitted data in sufficient specificity to allow the data to be found and retrieved easily.
- (i) Submittal of Alternative Data, Reports, or Format. The company responsible (or delegated the responsibility under Section 1303(g)) for submitting data or a report under Sections 1304-1310 may apply for and receive from the Executive Director authorization to submit, in lieu of the required data or report, another collection of data assembled and prepared by the company for a purpose other than compliance with this Article, or to submit data not in accordance with the forms and instructions specified under Section 1303(b). The Executive Director shall act on an application within 20 days after it is received by the Commission. If the application is granted, then the company may submit updated alternative data for each subsequent report without the need for a subsequent application. The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. The Executive Director may revoke authorization at any time for any reason. An application shall be granted if:
 - (1) The company submits and the Commission receives, no later than 30 days before the data or report is due, an application that includes:
 - (A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website

address of the company submitting the application and of the entity to which the alternative collection of data was or will be submitted;

- (B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the data or report, who should be contacted with questions about the application;
 - (C) the name of the report and the Sections of these regulations applicable to the data or report;
 - (D) the name, date, and if applicable publication number of the alternative collection of data;
 - (E) the reasons why the company believes that the alternative collection of data meets each applicable requirement of this Section and Sections 1304-1310; and
 - (F) a declaration executed under penalty of perjury of the laws of the State of California stating:
 - (1) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;
 - (2) that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and
 - (3) that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.
- (2) the Executive Director finds that compliance with these regulations and the needs of the Commission, other entities, and the public will not be harmed by granting of the application.

- (j) Parents, Subsidiaries, and Affiliates. Except to the extent allowed by Section 1303(g), if a company required to submit data or a report is a parent, subsidiary, or affiliate of another company, the former company shall submit the data or report only for its own activities and not for the activities of the parent, subsidiary, or affiliate.
- (k) Multiple Reports. A company may submit under one cover data or reports required by more than one section in Sections 1304-1310, if the data or report required by each section is identified in a table of contents and in the document and the data or report is clearly separated from data or reports required by other sections.
- (l) Data Required in All Reports. Each report required by Sections 1304-1310 shall include, in addition to the data specified in those sections, the following:
 - (1) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the report;
 - (2) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the report, who should be contacted with questions about the report;
 - (3) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company responsible for submitting the data or report;
 - (4) the date on which the report is being submitted;
 - (5) the time period or periods that the report covers;
 - (6) an indication of the status of the company responsible for submitting the report: i.e., power plant owner, electric utility, electric retailer, gas utility, gas retailer, gas processor, or interstate pipeline company;
 - (7) the sections of this Article applicable to the report; and
 - (8) a declaration that is executed under penalty of perjury of the laws of the State of California, and that is executed by an authorized employee of the company responsible for submitting the report, stating:
 - (A) the name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company responsible for submitting the report, and the title of the person;

- (B) that the person executing the declaration is authorized to do so and submit the report on behalf of the company responsible for submitting the report; and
 - (C) that the matters contained in the report are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.
- (m) Accuracy of Customer Classification Coding.
- (1) Electricity and natural gas sales data reported pursuant to Sections 1306(a)(1)(A) and 1307(a)(1)(A) shall be accurately classified by Customer Classification code. Data shall be deemed accurately classified if, based on a random sample comparing (I) the Customer Classification code used for classification under Section 1306(a)(1)(A) or 1307(a)(1)(A) used for general customer record keeping to (II) an independently-derived Customer Classification code known to be accurate for each non-residential establishment in the sample, 99% of customer accounts, weighted by energy, are correctly classified at the major customer sector level and 90% of customer accounts, weighted by energy, are correctly classified at the 3-digit Customer Classification code level.
 - (2) If the Executive Director believes that sales data provided by a retailer is not accurately classified by Customer Classification code, he or she may require the appropriate UDC or LDC to conduct an audit or comparable study to verify the accuracy of the Customer Classification coding of the data submitted to the Commission.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
 Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

HISTORY

1. Amendment filed 9-12-75 as an emergency; effective upon filing. Certificate of Compliance included (Register 75, No. 37).
2. Amendment filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
3. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).
4. Amendment filed 6-26-90; operative 7-26-90 (Register 90, No. 34).

5. Renumbering of former section 1303 to section 1302 and new section 1303 filed 2-23-2001; operative 2-23-2001 pursuant to Government Code section 11343.4 (register 2001, No. 8).

§ 1306. Electric Retailer Reports and Customer Classification Coding by UDCs.

(a) Quarterly Electric Retailer Reports. Each electric retailer, or UDC pursuant to Section 1303(g), shall report quarterly the following:

(1) Electricity Sales.

(A) monthly electricity sales expressed in megawatt hours; and

(B) monthly number of customers;

each classified by county, month, and customer group (residential customers, and each group of non-residential customers and end users that have the same Customer Classification code).

(2) Commodity Price Estimates.

For each of the major customer sectors, an unbiased, good faith estimate of the electric retailer's average commodity electricity price paid by customers, expressed in dollars per kilowatt-hour.

(b) Annual UDC Reports to the Commission and to ESPs. Each UDC shall annually report the following:

(1) ESP Information to the Commission. For each ESP that sells electricity to customers in the UDC's electric service area, the UDC shall report to the Commission:

name of the ESP;

business address of the UDC

sales of electricity, expressed in megawatt hours, to customers in the UDC's service area; and

(2) Customer Classification Codes to Electric Retailers. The UDC shall report quarterly, to each electric retailer that sells electric energy to customers in the UDC's service area, the Customer Classification Code of each customer to which the electric retailer sells electric energy during the previous three months.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

HISTORY

1. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).
2. Amendment of section and NOTE filed 2-23-2001: operative 2-23-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 8).

§ 1307. Gas Retailer Reports and Customer Classification Coding by LDCs.

- (a) Quarterly Gas Retailer Reports. Each gas retailer, or LDC pursuant to Section 1303(g), shall report quarterly the following:
 - (1) Natural Gas Sales.
 - (A) monthly natural gas sales expressed in millions of therms; and
 - (B) monthly number of customers;each classified by county, month, and customer group (residential customers, and each group of non-residential customers and end users that have the same Customer Classification code).
 - (2) Commodity Price Estimates.

For each of the major customer sectors, an unbiased, good faith estimate of the gas retailer's average commodity natural gas price paid by customers, expressed in dollars per million BTU.
- (b) Annual LDC Reports to the Commission and to Gas Retailers. Each LDC shall annually report the following:
 - (1) Gas Retailer Information to the Commission. For each gas retailer that sells natural gas to customers in the LDC's gas service area, the LDC shall report to the Commission:

name of the gas retailer;

business address of the gas retailer

sales of natural gas, expressed in thousand cubic feet or therms, to customers in the LDC's service area; and

- (2) Customer Classification Codes to Gas Retailers. The LDC shall report quarterly, to each gas retailer that sells natural gas to customers in the LDC's service area, the Customer Classification Code of each customer to which the gas retailer sells natural gas during the previous three months.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

HISTORY

1. New subsection (d) filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).
3. Amendment of subsection (a) filed 6-26-90; operative 7-26-90 (Register 90, No. 34).
4. Amendment of section heading and repealer and new section filed 2-23-2001: operative 2-23-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 8).

§ 1308. Gas Utility Reports.

Each gas utility shall report the following data quarterly:

- (a) Natural Gas Receipts. All natural gas received by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas received, expressed in Btu per cubic feet; each classified by all of the following:
 - (1) How received: purchased, transported for others, or withdrawn from storage;
 - (2) Where and from whom the natural gas was received, according to the following entities and locations:
 - (A) Pipeline locations at the California Border
 - (1) El Paso Natural Gas at Topock
 - (2) El Paso Natural Gas at Blythe

- (3) Transwestern Pipeline at Needles
- (4) PG&E Gas Transmission – Northwest at Malin
- (5) Other California Border Receipt Points (Designate)

(B) Instate locations

- (1) Kern River Gas Transmission/Mojave Pipeline at Kern River Station
- (2) Kern River Gas Transmission /Mojave Pipeline at Wheeler Ridge
- (3) Kern River Gas Transmission/Mojave Pipeline at Hector Road
- (4) PG&E at Wheeler Ridge
- (5) California Production at Wheeler Ridge
- (6) Kern River Gas Transmission at Daggett
- (7) Rainbow compression station
- (8) Dana Point compression station
- (9) Other interconnect points

(C) California Production

- (1) California onshore production received into the gas utility system
- (2) California offshore lands production received into the gas utility system
- (3) California outer continental shelf production received into the gas utility system.

- (b) Monthly Natural Gas Sendout. All natural gas delivered by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by all of the following:

- (1) Core Customer Deliveries.

- (A) Each Major Customer Sector (designate)
 - (B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.
 - (C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.
 - (D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.
 - (E) Other (designate by Customer Classification code)
- (2) Noncore Customer Deliveries
- (A) Each Major Customer Sector (designate)
 - (B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.
 - (C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.
 - (D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.
 - (E) Other (designate by Customer Classification code)
- (3) Delivery to other utilities through the following delivery points:
- (A) Kern River Station
 - (B) Wheeler Ridge
 - (C) Rainbow compression station
 - (D) Dana Point compression station
 - (E) Other points (designate)
- (4) Delivery to Interstate Pipelines through the following delivery points:
- (A) Kern River Station

- (B) Wheeler Ridge
 - (C) Hector Road
 - (D) Daggett
 - (E) Other points (Designate)
 - (5) Delivery to International Pipelines
 - (A) Otay Mesa into Mexico
 - (B) Calexico into Mexico
 - (C) Other points (designate)
 - (6) For Storage Injection
 - (A) Gas utility-owned storage
 - (B) Non-gas utility-owned storage
 - (7) Losses and Unaccounted for
- (c) Annual Natural Gas Deliveries. All natural gas delivered by the gas utility, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by:
- (1) Residential; and
 - (2) Nonresidential, classified by Customer Classification code, and classified for each Customer Classification code by:
 - (A) Delivery to core customers, except for core cogeneration customers;
 - (B) Delivery to core cogeneration customers;
 - (C) Delivery to noncore customers, except for noncore cogeneration customers; and
 - (D) Delivery to noncore cogeneration customers.
- (d) Annual Natural Gas Delivery Revenues. All natural gas delivery revenues received by the gas utility, expressed in dollars. Delivery revenue shall include all

non-commodity components of the utility's rates, including without limitation costs of receiving, transporting, distributing, injecting to storage, recovering from storage, administration, regulatory, public purpose programs, energy market restructuring transition costs, and balancing accounts. Delivery revenue shall be classified by:

- (1) Residential; and
- (2) Nonresidential, classified by Customer Classification code, and classified for each Customer Classification code by:
 - (A) Delivery to core customers, except for core cogeneration customers;
 - (B) Delivery to core cogeneration customers;
 - (C) Delivery to noncore customers, except for noncore cogeneration customers; and
 - (D) Delivery to noncore cogeneration customers.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25125-25126, 25216(a), 25216.5(d), 25300-25301, 25305, 25308-25310.2, 25320-25322, 25324-25325, 25401, 25401.1, 25401.2, 25403, 25403.5, 25602, and 25604 Public Resources Code.

HISTORY

1. Repealer of former Section 1308 and renumbering and amendment of former Section 1309 to Section 1308 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).
2. Amendment of section heading and repealer and new section filed 2-23-2001: operative 2-23-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 8).

California Code of Regulations
Title 20, Division 2:
Chapter 3
Article 2. Forecast and Assessment of Energy Loads and Resources

§ 1340. Scope.

This Article applies to each medium size electric utility, medium size gas utility, large size electric utility, large size gas utility, owner (or, where there is more than one owner, the majority or plurality owner or the managing partner) of an electric power plant, owner (or, where there is more than one owner, the majority or plurality owner or the managing partner) of an electric transmission system, and owner (or, where there is more than one owner, the majority or plurality owner or the managing partner) of an electric distribution system.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25216(a) and (b), 25216.5(d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. New section filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4). For prior history of Article 2, see Registers 77, No. 47 and 75, No. 51.

§ 1341. Rules of Construction and Definitions.

The rules of construction and definitions in Section 1302 of Article 1 of this chapter, and the definitions set forth in this Section, apply to this Article.

“Electric Distribution System Owner” means an entity that owns local electricity distribution facilities for the delivery of electrical energy to end users.

“Large Size Electric Utility” means an electric utility that: (a) has experienced a peak electricity demand of 1000 megawatts or more in both of the two calendar years preceding the required data filing date and (b) owned or operated by a public governmental entity or regulated by the California Public Utilities Commission.

“Large Size Gas Utility” means a natural gas utility that has delivered 100 billion cubic feet or more of gas per year in both of the two calendar years preceding the required data filing date.

“Medium Size Electric Utility” means an electric utility: (a) that experienced a peak electricity demand of more than 200 megawatts per year in both of the two calendar years preceding the required data filing date, and that has not experience a peak electricity demand of 1000 megawatts or more during both of the two calendar years

preceding the required data filing date and (b) owned or operated by a public governmental entity or regulated by the California Public Utilities Commission.

“Medium Size Gas Utility” means a natural gas utility that has delivered to end-use customers more than 50 billion cubic feet of natural gas per year in both of the two calendar years preceding the required data filing date, and that has not delivered 100 billion cubic feet of natural gas per year in both of the two calendar years preceding the required data filing date.

“Report” means survey plan, survey data, survey documentation, survey documentation, data analysis, load metering data, or power plant data.

"Transmission System Owner" means an entity that owns transmission lines and associated facilities forming part of the transmission network, including radial lines and associated facilities interconnecting generation.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25216, subdivisions (a) and (b), 25216.5, subdivision (d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. New Article 2 (Sections 1341-1349, not consecutive) of Subchapter 3 filed 12-15-75; effective thirtieth day thereafter (Register 75, No. 51).
2. Amendment filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).
3. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

§ 1342. General Requirements for Survey and Load Metering Reports.

- (a) Reports Must Be Submitted. Each owner of an electric utility or gas utility shall conduct the applicable plans and surveys, and shall submit to the Commission the applicable data, as set forth in this Section as well as Sections 1343 through 1348.
- (b) Forms and Instructions. The data shall be submitted according to instructions for forms specified by the Executive Director, unless otherwise specified. The instructions may include without limitation a requirement that the data be submitted in electronic format generally or in a specific electronic format.
- (c) Biennial Reports and Data. Data or reports referred to as “reported biennially” shall be submitted every two years beginning on June 15, 2002.
- (d) Extensions of deadlines specified in Sections 1343 through 1348. The person responsible (or delegated the responsibility in this Article) for submitting a report

may apply for and receive from the Executive Director an extension of the deadlines established in Sections 1343 through 1348. The Executive Director shall act on an application within five business days after it is received at the Commission. The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. An extension shall be granted for no more than 30 days, if:

- (1) The company submits and the Executive Director receives, no later than 15 days before the report is due, an application that includes:
 - (A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application for an extension;
 - (B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the report, who should be contacted with questions about the application for an extension;
 - (C) the name of the report and the sections of these regulations applicable to the report;
 - (D) the reasons why the report cannot be, or may not be able to be, submitted on time, and the date the report will be submitted;
 - (E) the measures the company is taking to complete the report on time or as soon thereafter as possible; and
 - (F) a declaration executed under penalty of perjury of the laws of the State of California stating:
 - (1) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application;
 - (2) that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and
 - (3) that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.
- (2) The Executive Director finds that good cause exists for an extension and that the report is likely to be submitted by the extended due date.

- (e) Date of "Submittal." A report under Sections 1343 through 1348 is "submitted," for purposes of these regulations and of Section 25322 of the Public Resources Code, when it is received at the Energy Information and Analysis Division (or its successor) at the Commission and it is complete, accurate, and in compliance with the applicable requirements and forms and instructions specified in this Article.
- (f) Delegation of Reporting Duty. The company designated in subsection (a) as required to submit a report may delegate to another company the submittal of the report if the delegatee agrees, but in any event the company designated in subsection (a) shall be responsible for the timely, accurate, and complete submittal of the report.
- (g) Submittal of Previous Report. If the data included in a report is exactly the same as the data contained in a previously submitted report from the same company, the current report need only reference the previously submitted data in sufficient detail to allow its easy retrieval.
- (h) Submittal of Alternative Data, Reports, or Format. The company responsible (or delegated the responsibility in this Article) for submitting data or a report may apply for and receive from the Executive Director authorization to submit, in lieu of the required data or report: another collection of data assembled and prepared for a purpose other than compliance with this Article, or submit data not in accordance with the forms and instructions specified in this Article.
 - (1) The Executive Director shall act on an application for the submission of alternative data within 20 days after it is received by the Commission.
 - (2) If the application is granted for the submission of alternative data, then the company may submit the alternative data for each report required in this Article without the need for a subsequent application, if the alternative data contains all of the data required by Sections 1343 through 1348 as applicable and is current for the time period or periods specified in those sections.
 - (3) The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. The Executive Director may revoke authorization to submit alternative data at any time for any reason.
 - (4) An application for the submission of alternate data shall be granted if:
 - (A) The company submits and the Executive Director receives, no later than 30 days before the report is due, an application that includes:

- (1) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application to provide alternative data;
 - (2) the name, address of the principal place of business, telephone number, fax number, and e-mail address of a contact person who can answer questions about the application for submission of alternative data;
 - (3) the name of the report and the sections of these regulations applicable to the report;
 - (4) the reasons why the alternative collection of data meets each applicable requirement of Sections 1343 through 1348; and
 - (5) a declaration executed under penalty of perjury of the laws of the State of California stating:
 - (a) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application;
 - (b) that the person executing the declaration is authorized to submit the application on behalf of the company; and
 - (c) that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.
- (B) The Executive Director finds that good cause exists for granting the application to submit alternative data. That determination shall include a finding that compliance with these regulations and the needs of the Commission, other entities and the public will not be harmed by the granting of the application.
- (i) Information Required in All Reports. Each report required by Sections 1343 through 1348, in addition to the data specified in the applicable section, must include the following:
- (1) the name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the report;

- (2) the name, address of the principal place of business, telephone number, fax number, and e-mail address of a contact person who can answer questions about the report;
- (3) the name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the person responsible for submitting the report;
- (4) if the company submitting a report has divisions, departments, subsidiaries, or similar entities covered by the report, the report shall include the name of each entity and reflect the activities of each entity;
- (5) the date the report is being submitted;
- (6) the time period or periods that the report covers;
- (7) the status of the company responsible for submitting the report: i.e., medium size electric utility, medium size gas utility, large size electric utility, large size gas utility; electric power plant; electric transmission system; or electric distribution system (if the company operates more than one type of entity, the report shall state the type of entity the report is being submitted for and list the other entities that the company represents);
- (8) a declaration executed under penalty of perjury of the laws of the State of California, and that is executed by an authorized employee of the company responsible for submitting the report, stating:
 - (A) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company responsible for submitting the report;
 - (B) that the person executing the declaration is authorized to submit the report on behalf of the company; and
 - (C) that the matters contained in the report are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.
- (j) Techniques Required; Replicable Results. All data submitted under Sections 1343 through 1348 shall be:
 - (1) gathered, organized, analyzed, and reported using standard, generally-accepted, and documented professional statistical, engineering, data-gathering, and other appropriate techniques;

(2) presented in sufficient detail to allow replication of the results by the Commission staff and by other experts in the field; and

(3) accompanied by the following:

(A) complete identifications of the sources of all data;

(B) complete descriptions of all assumptions used; and

(C) complete identifications and descriptions of all methodologies used.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25216(a), (b), 25216.5(d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 1342 to Section 1343 and new Section 1342 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4). For prior history, see Register 77, No. 47.

§ 1343. Energy End User Data: Survey Plans, Surveys, and Reports.

Each large size electric utility and large size gas utility shall complete the survey plans, surveys, and reports described in this Section, unless exempt as described under the Compliance Option described under subsection (e).

(a) Survey Plans and Plan Approval.

(1) Submittal of Survey Plans. For each survey a utility is required to perform under this Section, the utility must complete and submit to the Commission a plan for conducting the survey that is consistent with subsections (a) through (d) of this Section. This plan is due one year before survey data is due under subsection (c) and shall describe, at a minimum:

(A) the purpose, scope, and design of the survey project;

(B) the data to be collected, including all data required by subsection (b);

(C) the methods and schedules to be followed;

(D) the format for presenting the results;

(E) the use of contractors to assist in the project;

- (F) the estimated cost of the project, nature of funding source, and regulatory authority to complete the study;
 - (G) what confidential data will be used in the study; how confidentiality will be maintained during the conduct of the survey; any special confidentiality protection needed for types of data not explicitly addressed by Chapter 7, Article 2 of this Division; and
 - (H) the means for ensuring that the data are representative of the entire end user population located within the utility distribution company service area. The Commission shall presume that the results are representative if the design satisfies all of the following requirements:
 - (1) The survey is designed to achieve end-use saturation estimates accurate to within plus or minus 5 percent at a 95 percent confidence level;
 - (2) The survey design includes methods to reduce non-response bias, including repeated contacts of non-respondents;
 - (3) The survey design includes methods to ensure and verify that results are representative of the end user population; and
 - (4) Survey methods (such as mail, telephone, or on-site data collection methods) are appropriate to the complexity and amount of data requested.
- (2) Commission Approval of Plans. The Commission shall evaluate each survey plan in light of the requirements set forth in this Section, and shall approve any plan that meets the requirements of this Section. During this evaluation, the Commission staff may recommend improvements or amendments to enhance the value, reliability, or relevance of the survey results to energy demand forecasting and analysis.

The Commission shall approve or disapprove a submitted plan, including a revised plan, within 60 days of its submission. If the Commission disapproves of a plan, it shall specify the plan's deficiencies in writing. Within 30 days of receiving survey plan disapproval, the utility shall submit to the Commission a revised plan correcting the specified deficiencies.

- (3) The surveys shall be conducted in accordance with the approved survey plan. If changes to the survey plan become necessary, the utility shall notify the Commission in writing before those changes are implemented. If the Commission objects to the changes, it shall notify the utility within ten working days of its receipt of those changes. If the Commission does not respond, the amended plan will be accepted.

(b) Data Collection Requirements. Each utility shall complete surveys of end-users in the residential, commercial, and industrial major customer sectors within its service area every four years, carried out in accordance with the plan approved under subsection (a). Major customer sectors shall be defined pursuant to Section 1302 of this Chapter, except that SIC code 29 and NAICS code 324 may be excluded from the industrial customer sector. The data collected by the surveys shall include, without limitation, all of the following:

(1) For all customers:

- (A) presence and characteristics of energy-using equipment;
- (B) installed energy efficiency measures;
- (C) building management controls, and measures designed to shift load;
- (D) presence and type of any metering and telemetry equipment used to meter energy use;
- (E) presence, type, and characteristics of any energy-producing equipment or fuel supply;
- (F) electric and gas retailer identification or type of provider;
- (G) location of the building surveyed, identified by zip code;
- (H) patterns of behavior and appliance and equipment operation affecting energy use and load profiles; and
- (I) building characteristics, including wall construction, foundation, number of stories, square footage of the building, and characteristics of windows.

(2) For the residential customer sector:

- (A) building type (single family, multifamily, or mobile home) and vintage of building, and
- (B) demographic characteristics of occupants, including income, primary language spoken in the home, level of educational attainment, number of persons by age group, and race or ethnic group.

(3) For the commercial building customer sector:

- (A) type of business identified by industrial classification code, and

- (B) occupancy profile, including number of employees and hours of operation.
- (4) For the assembly, process and other industrial customer sectors:
 - (A) type of industry identified by industrial classification code;
 - (B) number of employees;
 - (C) annual monetary value of shipments; and
 - (D) energy-using production processes used by the facility.
- (5) Corollary data for all surveys:
 - (A) all accounting records, customer identifiers, and associated data that are necessary for analysis and development of weights to expand respondent data to the population;
 - (B) for interval metered accounts, 8760 hours of energy consumption data for each sampled premise. For other accounts, twelve months of energy consumption data for each sampled premise; and
 - (C) for each survey where the survey plan includes a load metering element, load metering data for each metered, sampled account.
- (c) Delivery of Data and Documentation. Each utility shall provide to the Commission all data required by subsection (b), and a Survey Methodology Report, according to the schedule below. The Survey Methodology Report shall describe the procedures that were followed for the survey, including the survey instrument, sample design, sample selection and implementation process, coding procedures, how the survey as implemented differs from the survey plan, and all other information needed for subsequent analyses of the data.
 - (1) Residential customer sector: on or before July 1, 2003, and on or before July 1 of every fourth year thereafter.
 - (2) Commercial building customer sector: on or before July 1, 2004, and on or before July 1 of every fourth year thereafter.
 - (3) Assembly, process and other industrial customer sectors: On or before July 1, 2006, and on or before July 1 of every fourth year thereafter.
- (d) Data Analysis Reports

- (1) Residential End Use and Saturation Reports. Each utility shall submit, within six months after the residential sector survey data are due under subsection (c), the following reports based on analysis of the survey data:
 - (A) the Residential End Use Report shall provide estimates of average energy consumption for each major end use by housing type and vintage. The estimates shall be derived from load metering, engineering or conditional demand analysis techniques, which shall be described in the report; and
 - (B) the Residential Saturation Report shall document the percentage of households using electricity, natural gas, or other type of energy for each appliance or end use, by housing type and vintage;
- (2) Commercial Building Floor Space Stock and Saturation Reports. Each utility shall submit, within six months after the commercial building sector survey data are due, the following reports based on an analysis of the survey data:
 - (A) the Floor Space Stock Report shall provide estimates of current year commercial building floor space stock, measured in square footage, by building type and vintage; and
 - (B) the Commercial Saturation Report shall document the percentage of commercial floor space using electricity, natural gas, or other type of energy for each end use, by commercial building type and vintage.
- (e) Data Collection and Analyses Compliance Option. In lieu of the requirements contained in subsection (a) through (d) of this Section, a utility may participate in projects identified by the Commission as satisfying the corresponding data collection and analyses elements of this Section.
 - (1) Participation requirements:
 - (A) may include a funding contribution from each utility in the amount determined by the Commission to be reasonably necessary to fulfill the data collection objectives of this Section; and
 - (B) will require participating utilities to provide certain data to the Commission, including, but not limited to, accounting records and geographic identifiers required for designing, selecting, and properly weighting the sample, individual energy consumption histories for sampled accounts, and load metering data that the Executive Director identifies as required for a given project.
 - (2) The Commission shall notify utilities of project participation opportunities, including the applicable customer sector, schedule and participation

requirements for the project. This notification shall occur at least eighteen months before compliance is due.

(3) A utility shall be in compliance with the corresponding elements of subsections (a) through (d) of this Section for the customer sector identified by the Commission if it meets the following conditions:

(A) the utility responds in writing to the Commission's notification of a project participation opportunity within 60 days, requesting to use the compliance option. In its response, the utility shall agree to comply with the Commission's participation requirements;

(B) the utility submits to the Commission, according to the Commission schedule, the information and data for conducting surveys and performing subsequent analyses identified by the Executive Director as necessary to conduct the survey; and

(C) the utility transfers funding to the Commission in the amount determined by the Commission to be reasonably necessary to fulfill the data collection objectives of this Section.

(4) The Commission shall approve or disapprove the utility's request to use the compliance option within 30 days of its submission.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Sections 25005.5, 25216(a) and (b), 25300, 25301, 25308, 25309, and 25310 Public Resources Code.

HISTORY

1. New section filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).

2. Repealer of former Section 1343 and renumbering and amendment of former Section 1342 to Section 1343 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

§ 1344. Load Metering Reports

Each large- and medium-size electric utility shall conduct applicable load metering to satisfy:

(a) Annual System Load Data by Hour. Beginning June 1, 2002, and every year thereafter, each large- and medium-size electric utility shall submit its annual system load data for every hour of the previous calendar year in accordance with the following:

- (1) Hourly system load data and analyses shall be developed and compiled from actual load metering;
 - (2) Load metering shall be conducted in an accurate and reliable manner;
 - (3) Hourly system load data shall be delivered to the Commission in electronic form in EEI format.
- (b) Peak Load Estimates by Customer Sector. Beginning June 1, 2002, and every year thereafter, each large size electric utility shall submit data regarding its estimates of sectoral loads coincident with the system peak for the previous calendar year in accordance with the following:
- (1) The sectoral peak load estimates shall, at a minimum, be submitted for each of the following sectors:
 - (A) residential customer sector;
 - (B) commercial building customer sector;
 - (C) other commercial customer;
 - (D) process industry customer sector;
 - (E) assembly industry customer sector;
 - (F) other industry customer sector;
 - (G) agriculture customer sector;
 - (H) water pumping customer sector;
 - (I) street lighting customer sector; and
 - (J) unclassified customer sector.
 - (2) The samples used to determine peak loads for each sector shall be designed to insure that estimates are accurate to within +10 percent of the sector load coincident with system peak, and with 90 percent confidence.
- (c) Hourly Load Estimates by Customer Sector. Beginning September 1, 2002, and every year thereafter, each large size electric utility shall submit data containing its hourly load estimates by customer sector for every hour of the previous calendar year in accordance with the following:
- (1) The hourly sector load estimates shall include the contribution of each customer sector specified in subsection (b)(1) for every hour of the year;

(2) The samples used to develop hourly load estimates for each sector shall be designed to insure that estimates are accurate to within +10 percent of the monthly sectoral coincident peak, and with 90 percent confidence; and

(3) The hourly sector load estimates shall be delivered to the Commission in electronic form.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.

Reference: Sections 25005.5, 25216(a)(b), 25300, 25301, 25308, 25309 and 25310 Public Resources Code.

HISTORY

1. New section filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).

2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

3. Repealer and new section filed 4-13-89; operative 5-13-89 (Register 89, No. 15).

4. Amendment of subsection (d) filed 6-26-90; operative 7-26-90 (Register 90, No. 34).

§ 1345. Demand Forecasts.

Each electric or gas utility shall submit its 20-year demand forecast according to forms and instructions adopted by the Commission. The demand forecast shall include at least:

(a) A description and map of the utility service area and, if different, the area for which the utility forecasts demand;

(b) Presentation of the demographic and economic assumptions that under-lie the forecast;

(c) Forecasted demand, accounting for conservation reasonably expected to occur, for each of the 20 years beginning with the year in which the forecast is submitted, with:

(1) Electric utilities forecasting energy and peak demand,

(2) Gas utilities forecasting energy demand,

(3) The residential sector forecast presented by major end-use categories and associated marginal and average unit energy consumptions and saturation rates, and

(4) The nonresidential sectors forecast presented by major end-use categories and associated marginal and average unit energy consumptions and saturation rates, if possible;

- (d) Plausibility, sensitivity, and alternative economic scenario analyses;
- (e) Estimation of the additional cost-effective conservation potential and the impact of possible methods to achieve this potential, and a description of each conservation activity carried out by the utility and those proposed for future implementation;
- (f) The demand forecast related items required by Section 25300, Public Resources Code; and
- (g) Additional information and analysis consistent with these regulations as required in the forms and instructions adopted by the Commission.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.

Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. New section filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).
2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

§ 1347. Resource Plans.

Each electric utility shall submit its 20-year resource plan for meeting forecasted demand according to forms and instructions adopted by the Commission. The resource plan shall include:

- (a) A tabulation of forecasted demand and expected supply resources for each of the 20 years beginning with the year in which the resource plan is submitted;
- (b) A description of existing and projected sources of supply, including generating projects and purchases from other utilities or elsewhere, specifying construction and operation costs, fuel sources and costs, capacity factors, water consumption, and environmental impacts and mitigation measures;
- (c) Description and maps of existing and projected electric transmission lines, including load capabilities, construction and operation costs, and environmental impacts and mitigation measures;
- (d) Description of capacity and energy achievable through improved system operating efficiency;
- (e) The resource related items required by Public Resources Code Section 25300; and

- (f) Additional information and analyses consistent with these regulations, including alternative resource plans, as required in the forms and instructions adopted by the Commission.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.

Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. New section filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).
2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

§1348. Pricing and Financial Information.

Each electric or gas utility shall submit, according to forms and instructions adopted by the Commission, a forecast of energy prices which corresponds to the utility's demand forecast and resource plan. Each electric utility shall also submit a forecast of utility financial variables consistent with the forecast and plan.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.

Reference: Sections 25005.5, 25216(a), 25216.5(d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. Amendment filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).
2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

§ 1350. Exemptions.

A small electric or gas utility need not comply with the CFM reporting requirements if it notifies the Commission at least 60 days prior to the deadline. The Commission may by order:

- (a) Exempt other utilities from these requirements; and
- (b) Establish abbreviated reporting requirements for small utilities and others exempted from complying with the full CFM requirements.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code.

Reference: Sections 25005.5, 25216(a) and (b), 25216.5(d), 25300, 25301 and 25309, Public Resources Code; and Sections 11346.13, 11346.53 and 11346.7, Government Code.

HISTORY

1. New section filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).
2. Amendment filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

§ 1351. Requests for Information.

(a)(1) At any time after the filing of a submittal required by this Article, the executive director may make a written request to the filing utility for such information as is necessary for a complete staff analysis of the filing, including in such request the time and manner of utility response.

(2) If the information is not provided, or if the executive director believes that the information will not be provided within a reasonable time, the general counsel may petition the commission for an order securing the information.

(b) This section shall not limit the authority of any persons to obtain information pursuant to any other provision of law.

NOTE: Authority cited: Sections 25213 and 25218 (e), Public Resources Code.
Reference: Sections 25005.5, 25216, subdivisions (a) and (b), 25216.5, subdivision (d), 25300, 25301 and 25309, Public Resources Code.

HISTORY

1. New section filed 11-18-77; effective thirtieth day thereafter (Register 77, No. 47).
2. Repealer of former Section 1351 and renumbering and amendment of former Section 1353 to Section 1351 filed 1-23-84; effective thirtieth day thereafter (Register 84, No. 4).

California Code of Regulations
Title 20, Division 2
Chapter 7.
Article 2. Disclosure of Commission Records.

§2503. Construction and Definitions.

- (a) This Article implements the California Public Records Act (Section 6250 et seq. of the Government Code) and shall be construed in a manner consistent with that Act.
- (b) For purposes of this Article the definitions in the California Public Records Act, the definitions in Section 1302 of Article 1 of Chapter 3, the definitions in Section 1341 of Article 2 of Chapter 3, and the following definitions shall apply:
 - (1) “Private third party” means any person other than a federal, state, regional, or local governmental body or a person under contract to such body.
 - (2) “Confidential record” means a record that has been determined to be confidential pursuant to Section 2505 or 2506 of this Article.
 - (3) “Applicant” means a private third party requesting that the Commission to keep a record confidential pursuant to Section 2505 of this Article.
 - (4) “Petitioner” means a person seeking to inspect or copy a confidential record pursuant to Section 2506 of this Article.
 - (5) “Petition” means a request from a petitioner seeking to inspect or copy a confidential record, pursuant to Section 2506 of this Article.
 - (6) “Fuel Price” means fuel cost divided by fuel use expressed in dollars, for a specific fuel type.
 - (7) “Masked” means, but is not limited to, customer, business, or cultural data that has been modified to limit the risk of disclosure of confidential information. Methods of data modification may include, but are not limited to, suppression of data, rounding, swapping of values between like respondents, replacement of data with group averages, grouping of categories, and addition of random values.
 - (8) “Large UDC” means any UDC that has experienced a peak demand of 1000 megawatts or more in the each of the two calendar years preceding the applicable filing date.
 - (9) “Small UDC” means any UDC not included in the definition of Large UDC.

- (10) "Large LDC" means any LDC that has delivered 100 billion cubic feet of natural gas per year in each of the two calendar years preceding the applicable filing date.
- (11) "Small LDC" means any LDC not included in the definition of Large LDC.
- (12) "Survey Response" means the answers to survey questions provided by persons or companies.
- (13) "Aggregated" means that data is summed, averaged, or otherwise combined to limit the risk of disclosure of confidential information.
- (14) "Freedom of Information Act" is contained at Title 5 United States Code Section 552.

NOTE: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code and Sections 6250 et seq., Government Code.

HISTORY

- 1. Amendment of subsections (a) and (b), repealer of subsections (b)(1) and (b)(2), subsection renumbering, and amendment of newly designated subsection (b)(2) and Note filed 7-6-98; operative 8-5-98 (Register 98, No. 28).
- 2. Amendment of subsection (b) and new subsections (b)(7)-(b)(14) filed 2-23-2001; operative 2-23-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 8).

§2505. Designation of Confidential Records.

(a) Third Parties.

- (1) Any private third party giving custody or ownership of a record to the Commission shall specify if it is to be designated a confidential record and not publicly disclosed. An application for confidential designation shall:
 - (A) be on a sheet or sheets separate from, but attached to, the record;
 - (B) specifically indicate those parts of the record that should be kept confidential;
 - (C) state the length of time the record should be kept confidential, and justification for the length of time;

- (D) cite and discuss the provisions of the Public Records Act or other law that allow the Commission to keep the record confidential. If the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others;
- (E) state whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required. If the information cannot be disclosed even if aggregated or masked, the application shall justify why it cannot;
- (F) state how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances;
- (G) contain the following certification executed by the person primarily responsible for preparing the application:
 - 1. "I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge," and
 - 2. State whether the applicant is a company, firm, partnership, trust, corporation, or other business entity, or an organization or association, and
 - 3. State that the person preparing the request is authorized to make the application and certification on behalf of the entity, organization, or association.
- (H) If the record contains information that the applicant has received from another party who has demanded or requested that the applicant maintain the confidentiality of the information, the applicant shall address the items in (A) through (F) of this subsection to the greatest extent possible and shall explain the demand or request made by the original party and the reasons expressed by the original party. If the basis of an application for a confidential designation is an order or decision of another public agency pursuant to the Public Records Act or the Freedom of Information Act, the application shall include only a copy of the decision or order and an explanation of its applicability.

The Executive Director shall consult with that agency before issuing a determination.

- (2) A deficient or incomplete application shall be returned to the applicant with a statement of its defects. The record or records for which confidentiality was requested shall not be disclosed for fourteen days after return of the application to allow a new application to be submitted except as provided in Section 2507(b) of this Article.
- (3) Executive Director's Determination.
 - (A) The Executive Director shall, after consulting with the Chief Counsel, determine if an application for confidential designation should be granted. An application shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential. The Executive Director's determination shall be in writing and shall be issued no later than thirty days after receipt of a complete application. The Executive Director or the Chief Counsel may, within fourteen days after receipt of an application for confidential designation, require the applicant to submit any information that is missing from the application. If the missing information is not submitted within fourteen days of receipt of the request by the Executive Director or Chief Counsel, the Executive Director may deny the application.
 - (B) An appeal of a decision to deny the application shall be filed within fourteen days of the Executive Director's decision, and the Commission shall issue a decision on the appeal within four weeks of the filing of the appeal.
 - (C) After an application or appeal has been denied, the information sought to be designated confidential shall not be available for inspection or copying for a period of fourteen days.
- (4) Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission, the new application need only contain a certification, pursuant to Section 2505(a)(1)(G) of this Article. That certification shall state that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances remain unchanged. An application meeting this criteria will be approved.
- (5) Automatic Designation. Information submitted by a private third party shall be designated confidential without an application for confidentiality if the requirements of subsections (a)(5)(A) and (B) of this Section are met.

Failure to meet these requirements shall result in the Executive Director returning the submittal to the entity.

(A) The entity submitting the information shall label each individual item of the submittal that is entitled to be designated confidential.

(B) The entity submitting the information shall attest under penalty of perjury, that the information submitted has not been previously released and that it falls within one of the following categories:

1. Information that is derived from energy consumption metering, energy load metering research projects, or energy surveys provided by utilities, natural gas retailers, or electric service providers under Section 1343 or 1344 of Article 2 of Chapter 3, and that is one or more of the following:
 - a. for the residential customer sector and the commercial customer sector—customer identifiers, energy consumption, and any other information that could allow a third party to uniquely identify a specific respondent;
 - b. industrial major customer sector—all information;
 - c. survey design information—all information used to design a survey, stratify billing records, devise a sample scheme, select a sample, sample specific end-users for participation in a survey or a pre-test of a questionnaire or interview form.
2. Energy sales data provided by utilities, natural gas retailers, or electric service providers, under Section 1306 or 1307 of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein.
3. Average commodity energy price data provided by utilities, natural gas retailers, or electric service providers, under Section 1306 or 1307 of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein.
4. Fuel cost data provided for individual electric generators under Section 1304 of Article 1 of Chapter 3.
5. Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.
6. Electric power plant-specific hourly generation data.

7. Electric power plant name, nameplate capacity, voltage at which the power plant is interconnected with a UDC system or transmission grid, address where the power plant is physically located, power plant owner's full legal name and address or longitude and latitude, if power plant is privately owned and its identity as a power plant is not public knowledge, (e.g., backup generator or solar installation at residence or business) under Section 1304 of Article 1 of Chapter 3.
- (6) Failure to request confidentiality at the time a record is submitted to the Commission does not waive the right to request confidentiality later; however, once a record has been released to the public, the record can no longer be deemed confidential. Although a record designated as confidential shall remain confidential during the application and appeal process, subject to the provisions of Section 2507(b) of this Article, the application itself is a public document and can be released.
- (b) Other Public Entities. When another state or local agency possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request and the agency submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.
- (c) Commission Generated Information
 - (1) The Executive Director in consultation with the Chief Counsel, may designate information generated by Commission staff as confidential under the Public Records Act. A confidential designation made in this manner shall be summarized in the agenda for the next Commission Business Meeting. Any private third party or public entity may request to inspect or copy these confidential records by filing a petition pursuant to Section 2506 of this Article.
 - (2) Contracts and Proposals
 - (A) Information received by the Commission in response to a solicitation shall be kept confidential by the Commission and its evaluators before the posting of the notice of the proposed award. The solicitation document shall specify what confidential information the proposal may contain and how that confidential information will be handled after the posting of the notice of the proposed award.
 - (B) The Executive Director, in consultation with the Chief Counsel, may designate certain information submitted under a contract as confidential

in accordance with the Public Records Act or other provisions of law. The designation and its basis shall be in writing and contained in the contract governing the submittal of the information or in a separate statement. The contract or written statement shall also state exactly what information shall be designated confidential, how long it shall remain confidential, the procedures for handling the information, and all other matters pertinent to the confidential designation of the information.

- (3) All data generated by the Commission that is the same type as the data described in Section 2505(a)(5)(B) of this Article shall be kept confidential by the Commission.
- (d) All documents designated confidential pursuant to this Section shall be treated as confidential by the Commission except as provided in Section 2507.
- (e) Every three months, the Executive Director shall prepare a list of data designated confidential pursuant to this Section during the previous three months. The Executive Director shall give the list to each Commissioner. The list shall also be made available to the public upon request.

NOTE: Authority cited: Section 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25321, and 25364, Public Resources Code.

HISTORY

- 1. Amendment filed 12-16-81; effective thirtieth day thereafter (Register 81, No. 51).
- 2. Amendment filed 7-6-98; operative 8-5-98 (Register 98, No. 28).
- 3. Amendment of subsection (a)(5)(B)1., repealer of subsection (a)(5)(B)4., new subsections (a)(5)(B)1.a.-(a)(5)(B)5., subsection renumbering, amendment of subsection (c) and new subsection (c)(3) filed 2-23-2001; operative 2-23-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 8).

§2507. Disclosure of Confidential Records.

- (a) No confidential record shall be disclosed except as provided by this Section or Section 2506, unless disclosure is ordered by a court of competent jurisdiction.
- (b) No record that is the subject of a pending application or appeal shall be disclosed except as provided by this Section or Section 2506 and any request to copy or inspect a document that is the subject of a pending application shall be subject to the requirements of Section 2506.

- (c) The Executive Director may disclose records determined confidential pursuant to Section 2505 or Section 2506 to:
- (1) Commission employees whose Commission work requires inspection of the records;
 - (2) Persons under contract to the Commission whose work for the Commission requires inspection of the records and who agree in a contract to keep the records confidential; and
 - (3) Other governmental bodies and state-created private entities, such as the California Independent System Operator that need the records to perform their official functions and that agree to keep the records confidential and to disclose the records only to those employees or contractors whose agency work requires inspection of the records.
 - (4) Data collected in association with customer surveys of the type described in Section 1343 of Article 2 of Chapter 3 and that are not masked or aggregated may be disclosed to the following entities:
 - (A) Demand side management program administrators, funded through the Energy Efficiency Public Goods Charge (EEPGC) established in Public Utilities Code Section 381(c), which need the survey responses to perform their official functions and that agree to keep the records confidential and to disclose the records only to those employees, and contractors, who need that data for EEGPC program evaluation and planning.
 - (B) Utilities that opt into collaborative surveys funded by the Commission, or that contribute funds for the implementation of a survey coordinated by the Commission, pursuant to Section 1343(e) of Article 2 of Chapter 3, may have access to that portion of survey responses by customers included within their service area provided they agree to keep the records confidential and to disclose the records only to those employees, and contractors, who need the data for distribution system planning.
- (d) The Executive Director may release records designated as confidential if the information has been masked or aggregated to the point necessary to protect confidentiality. Information described in paragraphs (1)–(4) of this subsection is deemed masked or aggregated to the point necessary to protect confidentiality.
- (1) Data provided pursuant to Sections 1306(a)(1) or 1307(a)(1) of Article 1 of Chapter 3 may be disclosed at the following levels of aggregation or higher:

- (A) For individual gas retailers or electric service providers, data aggregated at the statewide level by major customer sector;
 - (B) For the sum of all natural gas retailers or electric service providers, (1) data aggregated at the county level by residential and non-residential groups and (2) data aggregated at the service area, planning area, or statewide levels by major customer sector;
 - (C) For small UDCs and small LDCs, data aggregated at the service area, planning area, or statewide level by customer sector;
 - (D) For large UDCs and large LDCs, (1) data aggregated at the county level by residential and non-residential groups and (2) data aggregated at the service area, planning area, or statewide level by customer sector;
 - (E) For the total sales of the sum of all electric retailers, or the total sales of the sum of all natural gas retailers, data aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its June 2000 Current Employment Statistics survey county reports.
 - (F) For total consumption by end users (total sales by retailers plus energy generated or produced onsite) data aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its June 2000 Current Employment Statistics survey county reports.
- (2) Commodity energy price data provided pursuant to Sections 1306(a)(2) or 1307(a)(2) of Article 1 of Chapter 3 may be disclosed by major customer sector at the following levels of aggregation or higher:
- (A) the sum of all non-utility retailers;
 - (B) the sum of utility retailers; and
 - (C) the sum of all retailers.
- (3) Electric generator fuel cost data provided pursuant to Section 1304(a)(2)(C) and electric generator fuel price data computed from fuel cost and fuel use data reported pursuant to Section 1304(a)(2)(C), may be disclosed if aggregated by fuel type and gas service area or higher, and if the disclosure is made six months after the end of the month for which prices were reported.

- (4) Data of the type described in Section 1343 of Chapter 3, Article 2 and collected in association with customer surveys that are begun after December 8, 2000, of this subsection (4) may be disclosed in the following manner:
 - (A) Residential customer sector and commercial customer sector survey responses from persons or companies may be released after name, address, and other respondent identifiers have been removed, and usage data and responses to specific survey questions that could allow a third party to uniquely identify a respondent have been masked;
 - (B) Industrial major customer sector responses from companies may not be released. Tabulations of industrial major customer sector survey data may be released only after the data has been aggregated to ensure that information about respondents will not be disclosed.
- (e) The Executive Director may release records previously designated as confidential in either of the following circumstances:
 - (1) upon written permission by all entities who have the right to maintain the information as confidential; or
 - (2) under any other circumstance where the information is no longer entitled to confidential treatment. In this case, the Executive Director shall provide notice of the Commission's intent to release the information to the entity who originally submitted the information. An appeal of the decision to release the information may be filed with the Commission within fourteen days of this notice. The Commission shall issue a decision on this appeal within four weeks of its filing.
- (f) The Executive Director shall consult with the private third party to whom the confidential designation applies about disclosure under subsections (c) and (d) of this Section.

NOTE: Authority cited: Section 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code.

HISTORY

- 1. New subsection (e) filed 12-16-81; effective thirtieth day thereafter (Register 81, No. 51).
- 2. Amendment filed 7-6-98; operative 8-5-98 (Register 98, No. 28).
- 3. Amendment of subsection (C)(3), new subsections (C)(4), (C)(4)(B), amendment of subsection (d), repealer of subsections (d)(1)-(3), new subsections (d)(1)-(4)(B) and

amendment of subsection (f) filed 2-23-2001; operative 2-23-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 8).